

Remarks:

Claims 1, 3-14, and 16-18 remain for consideration in this application. Applicants have amended the present claims in view of the references cited in the International Search Report and Written Opinion dated 27 July 2005, in International Patent Application No. PCT/US05/11898. Favorable consideration of the claims is respectfully requested.

In the Written Opinion, claims 1-3 were rejected as lacking novelty in view of Ulrich et al. (US 2002/0193617). Ulrich et al. is directed toward various particulate materials and a coating composition comprising zein protein. Claim 1 has been amended to specifically exclude zein protein from the list of potential protein sources. As zein protein is the only protein for coating particulate foodstuffs disclosed by Ulrich et al., Applicants submit that this amendment sufficiently distinguishes the teachings of Ulrich et al.

Claims 4-18 were rejected as being obvious over Ulrich et al. in view of Zibell et al. (US 5,112,625). Like Ulrich et al., Zibell et al. Fails to disclose any plant derived prtein source other than zein protein. Claim 14 has been amended in the same manner as claim 1 so as to exclude zein protein from the list of potential protein sources. Independent claim 6 has also been amended to require the film-forming solution to have a pH of less than 5. Support for this amendment is found in the application at page 3, lines 14-22. Zibell et al. teaches that their coating solution be “prepared by adding the desired amount of zein to a quantity of water along with an amount of base sufficient to create a pH between about 11.5 and 12.1” (col. 3, ll. 33-36). Accordingly, the references fail to teach all limitations of independent claim 6 as amended.

Applicants submit that in view of the foregoing amendments, a Notice of Allowance appears to be in order, and such is courteously solicited. Should the examiner feel that unresolved issues remain in the case, he is urged to contact the undersigned at 1-800-445-3460.

Any additional fee which might be due in connection with this application should be applied against our Deposit Account No. 19-0522.

Respectfully submitted,

HOVEY WILLIAMS LLP

By

A handwritten signature in dark ink, appearing to read "Greg Skoch", is written over a horizontal line.

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